

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

*In Re: Zillow Group, Inc. Session Replay Software  
Litigation*

Master File No. 2:22-cv-01282-RAJ

This Document Refers to: All Actions

**[PROPOSED] ORDER APPOINTING  
INTERIM CLASS COUNSEL**

1. On January 18, 2023, this Court entered an order granting the parties' proposed stipulation to consolidate actions and set scheduling deadlines, which included a process for submitting applications for appointment of interim class counsel or other designated counsel either individually or as part of a proposed leadership structure.

2. The Court has analyzed those submissions and considered the factors identified in the MANUAL FOR COMPLEX LITIGATION (Fourth), Federal Rule of Civil Procedure 23, and other accepted guidance respecting appointment of leadership counsel in cases of this kind. Accordingly, the Court hereby Grants the application of Plaintiffs Natalie Perkins, Kenneth Hasson, Ashley Popa, Mark Conlisk, Michael Dekhtyar, Jill Strelzin, Jill Adams, Ryan Margulis, denies such other applications, and ORDERS as follows:

**PLAINTIFFS' INTERIM CLASS COUNSEL**

3. The Court appoints the following attorneys to serve as Interim Class Counsel pursuant to Rule 23(g):

- a. Co-Lead Counsel: Gary F. Lynch, Lynch Carpenter, LLP
- b. Co-Lead Counsel: Joseph P. Guglielmo, Scott+Scott Attorneys at Law LLP
- c. Liaison Counsel: Kim D. Stephens, Tousley Brain Stephens PLLC

4. The above-named attorneys meet the requirements of Rule 23(g) and are designated to “act on behalf of a putative class before determining whether to certify the action as a class action.” Fed. R. Civ. P. 23(g)(3). Mr. Lynch and Mr. Guglielmo shall serve as Interim Class Counsel with responsibility for managing the distribution of work amongst plaintiffs’ counsel and overseeing compliance with the duties and responsibilities set forth herein. The duties and responsibilities of Interim Class Counsel are as follows:

- a. Assign work to other plaintiffs’ counsel who, as of the date of this Order, have filed complaints in this consolidated litigation, such assignments to occur as necessary in light of the needs of the litigation.
- b. Determine and present (in pleadings, motions, briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the Plaintiffs on all matters arising during pretrial (and if appropriate, trial) proceedings;
- c. Initiate, coordinate, and conduct all pretrial discovery on behalf of Plaintiffs in this consolidated litigation, including the preparation of joint interrogatories and requests for production of documents, and the examination of witnesses in depositions, and direct and coordinate the conduct of all types of discovery proceedings;
- d. Examine witnesses and introduce evidence at hearings on behalf of Plaintiffs;
- e. Perform all work necessary for the prosecution of the case, including investigation, research, briefing, and discovery;
- f. Make all work assignments on behalf of Plaintiffs in a manner to promote the orderly and efficient conduct of this litigation and to avoid unnecessary duplication and expense;
- g. Appear at all hearings and conferences regarding the case as most appropriate for effective and efficient presentation;

- h. Negotiate and enter into stipulations and agreements with opposing counsel as necessary throughout the litigation, including discovery, mediation, and other pretrial matters;
- i. Consult with and employ experts;
- j. Call meetings of Counsel for Plaintiffs for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules, and any other appropriate matters pertaining to pretrial proceedings;
- k. Prepare and distribute periodic status reports to the Court as requested and to the parties;
- l. Act as spokespersons for all Plaintiffs with Defendants and the Court, subject to the right of other Plaintiffs' counsel to present non-repetitive individual or different positions;
- m. Conduct settlement negotiations on behalf of all Plaintiffs;
- n. Develop and recommend for Court approval practices and procedures pertaining to attorneys' fees and expenses as further detailed below and, on an ongoing basis, monitor and administer such procedures. At such time as may be appropriate, Interim Class Counsel also will recommend apportionment and allocation of fees and expenses subject to Court approval; and
- o. Otherwise direct, coordinate, and supervise the prosecution of plaintiffs' claims in the consolidated action and perform such other duties as may be needed to ensure proper coordination of Plaintiffs' pretrial activities and prosecution of the claims or as may be further directed by the Court.

### **ADDITIONAL MATTERS**

5. Interim Class Counsel shall confer with counsel for Defendants an attempt to agree on appropriate preservation and confidentiality orders. If agreement cannot be reached, each side shall present its own proposal for the Court's determination.

1           6.       Within seven (7) days of entry of this Order Interim Class Counsel shall submit to  
2 the Clerk a detailed timekeeping protocol for monitoring and documenting costs and computing  
3 of potential common benefit or class action time including timekeeping, submission of records,  
4 and other procedures applicable to attorneys' fees and expenses. All Plaintiffs' counsel shall then  
5 comply with the terms of this protocol.

6           7.       Within forty-five (45) days of entry of this order Interim Class Counsel shall file a  
7 Consolidated Complaint

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9 **IT IS SO ORDERED.**

10 Dated: \_\_\_\_\_

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13 Judge Richard A. Jones, USDC  
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